

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

JAMES ROBERT DAMRON and wife
CATHERINE NORA DAMRON
Plaintiffs,

v.

ABIGAIL FOX
Defendant.

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:
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No. _____

COMPLAINT

The plaintiffs, JAMES ROBERT DAMRON and wife CATHERINE NORA DAMRON, bring this civil action against the defendant, ABIGAIL FOX, and file a copy of their Complaint certified by their attorney as being true and correct, for damages in the sum of Five Hundred Thousand Dollars (\$500,000.00), and for cause of action, say:

1. Jurisdiction with this Court arises pursuant to 28 U.S.C. Section 1332, the parties being of diverse citizenship and the amount in controversy exceeding Seventy Five Thousand Dollars (\$75,000.00) exclusive of interest and costs. Venue is proper based on the situs of the accident.

2. The plaintiffs, JAMES ROBERT DAMRON and CATHERINE NORA DAMRON, are citizens and residents of Pounding Mill, Tazewell County, Virginia.

3. The defendant, ABIGAIL FOX, is a citizen and resident of Blountville, Sullivan County, Tennessee and may be served with process at her home address which is 407 Overhill Drive, Blountville, Tennessee 37617.

4. The plaintiff, JAMES ROBERT DAMRON, brings this civil action against the defendant, ABIGAIL FOX, for compensatory damages in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00), for injuries he received on or about July 9, 2018 in Sullivan County, Tennessee.

5. The plaintiff, CATHERINE NORA DAMRON, brings this civil action against the defendant, ABIGAIL FOX, for compensatory damages in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00), for injuries she received on or about July 9, 2018 in Sullivan County, Tennessee.

6. The plaintiff, CATHERINE NORA DAMRON, brings this civil action against the defendant, ABIGAIL FOX, for medical expenses and loss of services and consortium of her husband, JAMES ROBERT DAMRON, in the amount of Fifty Thousand Dollars (\$50,000.00), for injuries he received on or about July 9, 2018 in Sullivan County, Tennessee.

7. The plaintiff, JAMES ROBERT DAMRON, brings this civil action against the defendant, ABIGAIL FOX, for medical expenses and loss of services and consortium of his wife, CATHERINE NORA DAMRON, in the amount of Fifty Thousand Dollars (\$50,000.00), for injuries she received on or about July 9, 2018 in Sullivan County, Tennessee.

8. On July 9, 2018 the plaintiff, James Robert Damron, was operating his 2015 Kia Sedona minivan in a general southerly direction on Interstate 81 in Sullivan County, Tennessee. The plaintiff, Catherine Nora Damron, the wife of James Robert Damron, was riding as a guest passenger in the vehicle being driven by Mr. Damron. The defendant, Abigail Fox, was operating her 2004 Honda Accord automobile in a general southerly direction on Interstate 81 directly behind the plaintiffs' vehicle. The plaintiff, James Robert Damron, was operating his vehicle on Interstate 81 and was directly behind a trailer tractor that had stopped in front of the plaintiff. The plaintiff, Mr. Damron, observed the defendant's vehicle traveling behind him at a high rate of speed as he was slowing his vehicle down to stop behind the tractor trailer truck. The plaintiff swerved his vehicle to the left in an effort to avoid being struck by the defendant's vehicle and getting trapped between the tractor trailer and the defendant's vehicle. In the plaintiff's attempt to swerve his vehicle to the left, the defendant struck the plaintiff's vehicle in the rear causing a collision between the vehicles.

9. As a result of the collision JAMES ROBERT DAMRON received injuries to his body for which he has received medical treatment. The plaintiff brings suit for medical expenses, both past and future, physical impairment, pain and suffering, lost wages, loss of earning capacity, and the loss of enjoyment of life.

10. As a result of the collision CATHERINE NORA DAMRON received injuries to her body for which she has received medical treatment. The plaintiff brings suit for medical expenses, both past and future, physical impairment, pain and suffering, lost

wages, loss of earning capacity, and the loss of enjoyment of life.

11. The plaintiffs allege that the defendant, ABIGAIL FOX, was operating her vehicle in a careless and reckless manner, without keeping the proper lookout ahead, failed to exercise due care, was following the vehicle in front of her too closely, traveling in excess of the speed limit, and thus failed to keep her vehicle under control.

12. The defendant violated certain statutes of the State of Tennessee governing the operation of motor vehicles upon the highways of the State of Tennessee, as set out in Tennessee Code Annotated, which were in full force and effect on the date of the collision:

(a) The defendant was negligent in operating her vehicle in a reckless manner, in violation of Tennessee Code Annotated 55-10-205(a);

(b) The defendant was negligent in failing to exercise due care to avoid colliding with another vehicle in violation of Tennessee Code Annotated 55-8-136(b);

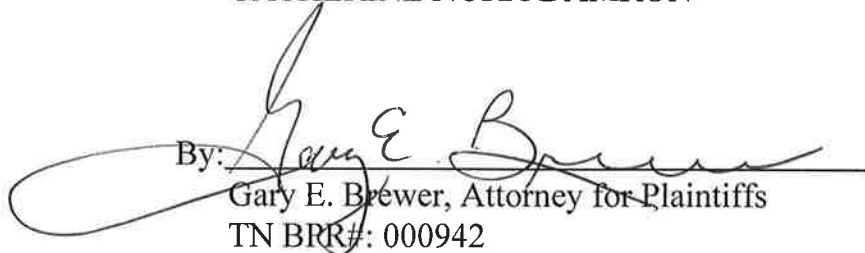
(c) The defendant was negligent in following the vehicle in front of her too closely, in violation of Tennessee Code Annotated 55-8-124(a).

(d) The defendant was negligent in operating her vehicle at an excessive rate of speed, in violation of Tennessee Code Annotated 55-8-152.

13. The violation of the common law duty and the violation of the statutes of the State of Tennessee by the defendant, ABIGAIL FOX, constitutes negligence which was the direct and proximate cause of the injuries and damages to JAMES ROBERT DAMRON and CATHERINE NORA DAMRON.

WHEREFORE, the plaintiffs ask for judgment against the defendant for damages in the sum of Five Hundred Thousand Dollars (\$500,000.00), and demands a jury in the trial of this cause.

JAMES ROBERT DAMRON and wife,
CATHERINE NORA DAMRON

By: 
Gary E. Brewer, Attorney for Plaintiffs
TN BRR#: 000942

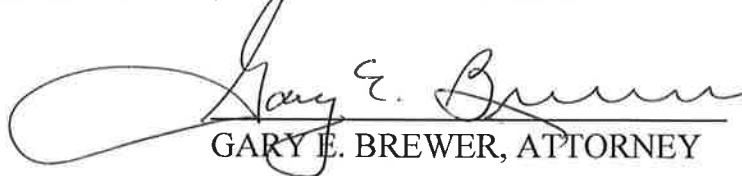
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COST BOND

I hereby acknowledge myself surety for all costs in this cause.


GARY E. BREWER, ATTORNEY